

*In re: Nicolette*  
*USSN: 10/077,629*  
*Filed: February 14, 2002*  
*Page 2*

### **REMARKS**

Claims 1-29 are pending in the subject application and are subject to a restriction requirement.

#### **Requirement for Restriction under 35 U.S.C. § 121**

In the October 29, 2004 Office Action, restriction was required under 35 U.S.C. § 121 to one of the following allegedly independent and distinct inventions:

- I. Claims 1, 3, 5-11, 25, 26, 28 and 29, drawn to a method to select altered peptide species, classified in Class 435, subclass 7.2 and Class 514, subclass 15.
- II. Claims 1-11 and 25-29, drawn to a method to select altered peptide species and to administer them to a subject, classified in Class 424, subclass 185.1.
- III. Claims 12-24, drawn to a composition/kit comprising altered peptide species, classified in Class 424, subclasses 204.1 and 277.1 and Class 435, subclass 975.

Applicant's undersigned attorney hereby elects the invention of Group III, claims 12-24.

#### **Species Election Requirement under 35 U.S.C. § 121**

In the October 29, 2004 Office Action, the Office further required Applicant to (1) elect a single disclosed species for the product of Invention III or to be used in the method of Invention I or Invention II (a specific HLA-type and a specific type of native ligand for example, HLA-A2 and a mammalian tumor epitope) to which claims would be restricted if no generic claim is finally held to be allowable and (2) to list all claims readable thereon including those subsequently added.

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*Page 3*

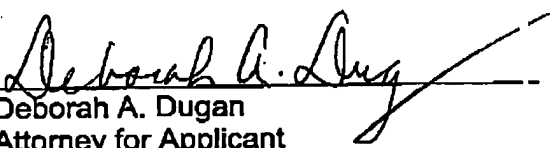
Applicant hereby elects the species "HLA-A2 and a mammalian tumor epitope", which read upon claims 12-19 and 21-24 of the invention of Group III claims now under consideration by virtue of a restriction requirement. This election is without traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected invention.

#### **SUMMARY**

No additional fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 07-1074.

Respectfully submitted,

November 29, 2004  
Date

  
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